IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**and**
**HON'BLE SRI JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL NO : 1991 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/09/2004 in WP NO : 25200 OF 2003 on the file of the High Court.)

Between:

1 A. Narayana Reddy S/o CHina Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
2 T. Venkataramana W/o VEnkateswarlu Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
3 A. Subbulamma W/o Arjuna Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
4 A. Venkataramana W/o Srinivasa Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
5 A. Bhim Reddy S/o Venkateswara Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
6 T. Venkateswaramma W/o Narasimha Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
7 A. Rangamma W/ Subba Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur

District
8 K. Punna ReddyS/o Peda Anji Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
9 M. Hymavathi W/o Kesava Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
10 K. Poleramma W/o Srinivasa Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
11 Shaik Mastan Bi W/o Jant
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
12 K. Kanaka Reddy S/o Venkateswara Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
13 Shaik Kasim Bi W/o Mabu
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
14 A. Poleramma W/o Musala Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
15 K. Poll Reddy S/o Koti Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
16 M. Poleramma W/o Edukondalu Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
17 M. Neelaveni W/o Srinivasulu Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
18 P. SUbbulamma W/o Krishna Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
19 S. Venkatalakshmi W/o Ayyapu Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
20 M. Suseela, W/o Srinivasa Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
21 M. Adilakshmi W/o Krishna Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
22 K. Hymavathi W/o Srinivasa Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
23 S. Laksmi Janaki W/o Veera Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
24 P. Sivamma W/o Subrahmanyam Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District
25 A. Poleramma W/o Subba Reddy

R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

26 S. Venkataramana W/o nagendra Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

27 A. Venkateswaramma W/o Lakshma Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

28 T. Samba W/o Yesu Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

29 M. Veeramma W/o Burakalu Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

30 A. Nagarathnamma W/o Venkateswara Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

31 M. China Ankamma W/o Nagendra Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

32 K. Sarada W/o Venkateswara Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

33 P. Siva Kumari W/o Venkateswara Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

34 S. Lakshmi W/o Edukondala Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

35 Y. Ankamma W/o Ammi Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

36 D. Kondamma W/o Subba Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

37 K. Lakshmi W/o Venkateswara Reddy
R/o Nagendrapuram, West Bapatla Panchayat, Bapatla Mandal, Guntur District

**..... APPELLANTS**

AND

1.Government of Andhra Pradesh, rep. by Secretary, Revenue Department, Secretariat, Hyderabad
2.The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad

3.The Secretary, Irrigation Department, A.P. Secretariat, Hyderabad
4.The Secretary, Panchayat Raj Department, A.P. Secretariat, Hyderabad
5.The District Collector, Guntur District

6.The Revenue Divisional Officer, Tenali, Guntur District
7.The Mandal Revenue Officer, Bapatla Mandal, Guntur District.
8.Mediboyina Nagavara Prasada Reddy S/o Subba Reddy
R/o Nagendrapuram, Bapatla Mandal, Guntur District
9.KVN Bhaskar Reddy S/o Krishna Reddy
R/oVedullapalli Village, Bapatla Mandal, Guntur District

**.....RESPONDENTS**

**Counsel for the Appellants : MR.N.SUBBA RAO**

**Counsel for the Respondent Nos. 1 to 7: GP FOR REVENUE**

**Counsel for the respondent Nos.8 & 9: MR. RAVISHANKER JANDHYALA.**

**The Court made the following :**

**ORAL JUDGMENT:**

**( per Hon'ble The Chief Justice )**

**…..**

1. Appellants herein were not impleaded as parties in the writ petition and are aggrieved by the order passed by the learned single Judge disposing of the writ petition with direction to the Mandal Revenue Officer to complete the action initiated under A.P. Land Encroachment Act, 1905, expeditiously keeping in view the judgments of the Supreme Court reported in M.C. Mehta Vs. Kamal Nath (1997) 1 SCC 388), Hinch Lal Tiwari Vs. Kamala Devi (2001) 6 SCC 496) and a judgment of the Division Bench of this Court reported in Katuri Mahalaxmamma Vs. Special Commissioner of Land Revenue ( 2002 Sup. (1) ALD 273 (D.B).

2. Writ petition was filed by respondents 8 and 9 herein impleading only respondents 1 to 7 herein as respondents making grievance that their lands are abutting Sonaporambok, Kunderu Porombok, water course Porambok adjoining Sy.Nos.210 and 209 of Nagendrapuram village. They also alleged that there were certain encroachments on the Kunta/Sona/Kunderu Porombok of Nagendrapuram village. Therefore, direction was sought against official respondents to take action against encroachers. Learned single Judge issued the aforementioned directions. Grievance of the appellants is that they have been in occupation of the lands and cultivating the same and without impleading them, orders were obtained directing the Mandal Revenue Officer to take particular course of action in dispossessing the appellants. It has been brought to our notice that O.S.No.12 of 2003 has been filed by 7 plaintiffs impleading State of Andhra Pradesh, West Bapatla Panchayat and Mandal Revenue Officer, Bapatla, as parties seeking declaration of their entitlement to Sona and Donka poramboks opposite to their land. The land is described in plaint schedule property and part of the land, which is subject-matter of the writ petition, is also subject-matter of the

suit in which written statement has been filed by the Mandal Revenue Officer. In this appeal, we need not go into the disputed questions of fact as to what rights the appellants have in the land or to what extent they can claim in a part of the land which is subject-matter of the writ petition. In any case no directions could have been issued with respect to the land which is subject-matter of the civil suit inasmuch as only after a decision in the civil suit, a direction can be issued in the writ petition in accordance with law. In any case, when the appellants are in occupation and are cultivating a part of the land, which is subject-matter of the writ petition, the only direction which could have been issued would have been to identify the encroachers, if any, and take action in accordance with law after giving opportunity to the appellants and in case any claim is laid by the appellants, to hear and decide the same in accordance with law. Direction could not have been issued to initiate a particular type of action. It depends upon the type and nature of possession. Consequently, we allow the appeal and modify the impugned order with direction to the Mandal Revenue Officer that insofar as land which is covered by O.S.No.12 of 2003 pending in the Court of Junior Civil Judlge, Bapatla, is concerned, action will be taken in accordance with law after a decision in the civil suit and against other encroachers only in accordance with law after giving notice to the appellants, providing an opportunity to file objections and after hearing them in accordance with law. No costs.

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**DEVINDER GUPTA. C.J.,**

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**M. NARAYANA REDDY. J.,**

**Dated: 16.12.2004.**

**VRK.**

To

1. The Secretary to Government, Revenue Department, Secretariat, Hyderabad
2. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad
3. The Secretary, Irrigation Department, A.P. Secretariat, Hyderabad
4. The Secretary, Panchayat Raj Department, A.P. Secretariat, Hyderabad
5. The District Collector, Guntur District
6. The Revenue Divisional Officer, Tenali, Guntur District
7. The Mandal Revenue Officer, Bapatla Mandal, Guntur District.
8. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**
**AND**

**HON'BLE SRI JUSTICE M. NARAYANA REDDY.**

**W.A.NO. 1991 OF 2004.**

**( Judgment of the Bench delivered by Hon'ble The Chief Justice )**

**Dt: 16.12.2004.**